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2100

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/681,419	
	Filing Date	March 30, 2001	
	First Named Inventor	Menard, Cody	
	Group/Art Unit	2100	
	Examiner Name	David Wiley	
Total Number of Pages in This Submission		Attorney Docket Number	29198-701

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): statement under 37 CFR 3.73(b); copies of prior assignments
Remarks		RECEIVED APR 11 2003

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT Technology Center 2100

Firm or Individual name	Scott T. Morris, Reg. No. 43,818, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	7 April 03	Customer Number:	021971

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, Washington, D.C. 20231, on this date:			
		Express Mail Label <u>EL 757452381 US</u>	
Typed or printed name	Peggy L. Baird		
Signature		Date	April 8, 2003

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04 03 01:57p

Carol Ray

512-744-6551

p.2

Practitioner's Docket No.: 29198-701

PATENT

**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR
UNDER 37 C.F.R. § 3.71 WITH REVOCATION OF PRIOR POWERS**

The undersigned ASSIGNEE of the entire interest in:

- ☐ U.S. Patent No. _____
☒ U.S. application no. 09/681,419, filed on March 30, 2001

hereby appoints the following attorneys of Wilson Sonsini Goodrich & Rosati:

Attorney Name	Reg. No.	Attorney Name	Reg. No.
Michael Barclay	32,553	Scott Morris	43,818
Michael Murphy	37,404	Shirley Chen	44,608
U.P. Peter Eng	39,666	Julie Holloway	44,769
Kenta Suzue	45,145	Kevin Sin	43,110
George Willman	41,378	Maya Skubatch	52,505
Vern Norviel	32,483		

and all Wilson Sonsini Goodrich & Rosati attorneys registered to practice before the United States Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

(complete one of the following)

- ☐ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or
☒ see attached statement under 37 C.F.R. § 3.73(b).

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

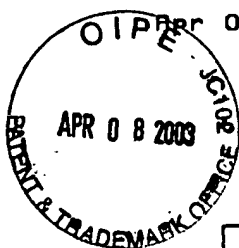
Direct all correspondence and telephone calls to:

Name	Scott T. Morris					
Address	Wilson Sonsini Goodrich and Rosati					
Address	650 Page Mill Road					
City	Palo Alto	State	CA	Zip	94304	Customer No.: 021971
Country	USA	Telephone	(650) 493-9300	Fax	(650) 493-6811	

ASSIGNEE: Tonic Software, Inc.

Name: Carol Ray
PrintSignature Title: VP of Finance and AdministrationDate: April 4, 2003

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PTO/SB/88 (08-00)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Menard, et alApplication No./Patent No.: 09/681,419 Filed/Issue Date: March 30, 2001Entitled: System and Method for Business Systems Transactions and Infrastructure ManagementTonic Software, Inc. a Corporation
(Name of Assignee) (Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Menard, et al. To: Covasoft, Inc.
The document was recorded in the United States Patent and Trademark Office
Reel 011486, Frame 0984, or for which a copy thereof is attached.
2. From: Covasoft, Inc. To: Tonic Software, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 13509, Frame 0452, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

April 4, 2003
Date

Carol Ray

Typed or printed name

Carol Ray
Signature

VP of Finance and Administration

Title

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Washington, D.C. 20231

APRIL 26, 2001

TAYLOR RUSSELL & RUSSELL, PC
4807 SPICEWOOD SPRINGS ROAD
BUILDING ONE, SUITE 1200
AUSTIN, TX 78745

PTAS

TAYLOR RUSSELL



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MAY 07 2001
ent CTS C/H
RUSSELL, P.C.

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/30/2001

REEL/FRAME: 011486/0984
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

CODY MENARD

DOC DATE: 03/22/2001

ASSIGNOR:

RAGHAVENDRA K. MURTHY

DOC DATE: 03/22/2001

ASSIGNOR:

BRIAN WOLFE

DOC DATE: 03/22/2001

ASSIGNEE:

COVASOFT, INC.
1250 S. CAPITAL OF TEXAS HIGHWAY,
BUILDING 1, SUITE 240
AUSTIN, TEXAS 78746

SERIAL NUMBER: 09681419
PATENT NUMBER:

FILING DATE:
ISSUE DATE:

RECEIVED

APR 11 2003

Technology Center 2100

011486/0984 PAGE 2

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT OF INVENTION AND PATENT APPLICATION

For value received, Cody Menard (hereinafter ASSIGNOR), hereby sells, assigns, transfers and sets over unto the Covasoft, Inc., having its principal office at 1250 S. Capital of Texas Highway, Building 1, Suite 240, Austin, Travis County, Texas 78746 (hereinafter ASSIGNEE) 100% of the following: (A) ASSIGNOR'S right title and interest in and to the invention entitled "System and Method for Business Systems Transactions and Infrastructure Management"; (B) the application for United States patent therefor, signed by ASSIGNOR on the date listed below, U.S. Patent and Trademark Office Serial Number To Be Assigned; Filed Herewith; (C) any patent or reissues of any patent that may be granted thereon; and (D) any applications which are continuations, continuations-in-part, substitutes or divisions of said application. ASSIGNOR authorizes ASSIGNEE to enter the date of signature and/or Serial Number and Filing Date in the spaces above. ASSIGNOR also authorizes and requests the Commissioner of Patents and Trademarks to issue any resulting patent(s) as follows: 0% to ASSIGNOR and 100% to ASSIGNEE.

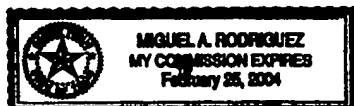
ASSIGNOR hereby further sells, assigns, transfers and sets over unto ASSIGNEE, the above percentage of ASSIGNOR's entire right, title and interest in and to said invention in each and every country foreign to the United States, and ASSIGNOR further conveys to ASSIGNEE the above percentage of all priority rights resulting from the above-identified application for United States patent. ASSIGNOR agrees to execute all papers, give any required testimony and perform other lawful acts, at ASSIGNEE'S expense as ASSIGNEE may require to enable ASSIGNEE to perfect ASSIGNEE'S interest in any resulting patent of the United States and countries foreign thereto, and to acquire, hold, enforce, convey and uphold the validity of said patent and reissues and extensions thereof, and ASSIGNEE'S interest therein.

To be binding on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature *Cody Menard* Date 3-22-01
Name: Cody Menard (ASSIGNOR)

STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this 22 day of March, 2001, personally appeared Cody Menard, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Miguel A. Rodriguez
Notary Public

ASSIGNMENT OF INVENTION AND PATENT APPLICATION

For value received, Raghavendra K. Murthy (hereinafter ASSIGNOR), hereby sells, assigns, transfers and sets over unto the Covasoft, Inc., having its principal office at 1250 S. Capital of Texas Highway, Building 1, Suite 240, Austin, Travis County, Texas 78746 (hereinafter ASSIGNEE) 100% of the following: (A) ASSIGNOR'S right title and interest in and to the invention entitled "System and Method for Business Systems Transactions and Infrastructure Management"; (B) the application for United States patent therefor, signed by ASSIGNOR on the date listed below, U.S. Patent and Trademark Office Serial Number To Be Assigned; Filed Herewith; (C) any patent or reissues of any patent that may be granted thereon; and (D) any applications which are continuations, continuations-in-part, substitutes or divisions of said application. ASSIGNOR authorizes ASSIGNEE to enter the date of signature and/or Serial Number and Filing Date in the spaces above. ASSIGNOR also authorizes and requests the Commissioner of Patents and Trademarks to issue any resulting patent(s) as follows: 0% to ASSIGNOR and 100% to ASSIGNEE.

ASSIGNOR hereby further sells, assigns, transfers and sets over unto ASSIGNEE, the above percentage of ASSIGNOR's entire right, title and interest in and to said invention in each and every country foreign to the United States, and ASSIGNOR further conveys to ASSIGNEE the above percentage of all priority rights resulting from the above-identified application for United States patent. ASSIGNOR agrees to execute all papers, give any required testimony and perform other lawful acts, at ASSIGNEE'S expense as ASSIGNEE may require to enable ASSIGNEE to perfect ASSIGNEE'S interest in any resulting patent of the United States and countries foreign thereto, and to acquire, hold, enforce, convey and uphold the validity of said patent and reissues and extensions thereof, and ASSIGNEE'S interest therein.

To be binding on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature Raghavendra K. Murthy Date 3/22/2001
Name: Raghavendra K. Murthy (ASSIGNOR)

STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this 22 day of March 2001, personally appeared Raghavendra K. Murthy, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Miguel A. Rodriguez
Notary Public

ASSIGNMENT OF INVENTION AND PATENT APPLICATION

For value received, Brian Wolfe (hereinafter ASSIGNOR), hereby sells, assigns, transfers and sets over unto the Covasoft, Inc., having its principal office at 1250 S. Capital of Texas Highway, Building 1, Suite 240, Austin, Travis County, Texas 78746 (hereinafter ASSIGNEE) 100% of the following: (A) ASSIGNOR'S right title and interest in and to the invention entitled "System and Method for Business Systems Transactions and Infrastructure Management"; (B) the application for United States patent therefor, signed by ASSIGNOR on the date listed below, U.S. Patent and Trademark Office Serial Number To Be Assigned; Filed Herewith; (C) any patent or reissues of any patent that may be granted thereon; and (D) any applications which are continuations, continuations-in-part, substitutes or divisions of said application. ASSIGNOR authorizes ASSIGNEE to enter the date of signature and/or Serial Number and Filing Date in the spaces above. ASSIGNOR also authorizes and requests the Commissioner of Patents and Trademarks to issue any resulting patent(s) as follows: 0% to ASSIGNOR and 100% to ASSIGNEE.

ASSIGNOR hereby further sells, assigns, transfers and sets over unto ASSIGNEE, the above percentage of ASSIGNOR's entire right, title and interest in and to said invention in each and every country foreign to the United States, and ASSIGNOR further conveys to ASSIGNEE the above percentage of all priority rights resulting from the above-identified application for United States patent. ASSIGNOR agrees to execute all papers, give any required testimony and perform other lawful acts, at ASSIGNEE'S expense as ASSIGNEE may require to enable ASSIGNEE to perfect ASSIGNEE'S interest in any resulting patent of the United States and countries foreign thereto, and to acquire, hold, enforce, convey and uphold the validity of said patent and reissues and extensions thereof, and ASSIGNEE'S interest therein.

To be binding on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature Brian Wolfe Date 3/22/2001
Name: **Brian Wolfe (ASSIGNOR)**

STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this 21 day of March, 2001, personally appeared Brian Wolfe, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Miguel A. Rodriguez
Notary Public



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MARCH 26, 2003

PTAS

WILSON, SONSINI, GOODRICH & ROSATI
SCOTT T. MORRIS
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

700026565A***700026565A***

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RECORDATION DATE: 03/24/2003

REEL/FRAME: 013509/0452
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

COVASOFT, INC.

DOC DATE: 10/31/2002

ASSIGNEE:

TONIC SOFTWARE, INC.
9606 N. MOPAC EXPY.
SUITE 900
AUSTIN, TEXAS 78746

SERIAL NUMBER: 09681419
PATENT NUMBER:

FILING DATE: 03/30/2001
ISSUE DATE:

SERIAL NUMBER: 10063232
PATENT NUMBER:

FILING DATE: 04/02/2002
ISSUE DATE:

VIOLET MCCOY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT OF PATENTS

WHEREAS, Covasoft, Inc., a Delaware corporation having a place of business at 1250 S. Capital of Texas Hwy., Building 1, Suite 240, Austin, Texas 78746 ("Assignor"), is the sole and exclusive owner of each of the patents and patent applications listed in Annex A attached hereto and incorporated herein by reference, all of which patents and patent applications were issued by or filed with the United States Patent and Trademark Office under the patent or application numbers listed in Annex A (all of such patents and patent applications are herein referred to as the "Patents");

WHEREAS, Tonic Software, Inc., a Delaware corporation having a place of business at 9606 N. MoPac Expy., Suite 900, Austin, Texas 78759 ("Assignee"), desires to acquire the entire right, title and interest in and to each of the Patents;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by Assignor, Assignor does hereby sell, transfer, convey, assign and deliver to Assignee all of Assignor's right, title and interest in and to the Patents, and any and all continuations, divisions, reissues, renewals and extensions thereof; the same to be held and enjoyed by Assignee and its successors and assigns entirely as if the same would have been held and enjoyed by Assignor had this sale and assignment not been made.


Assignor hereby covenants that no sale, assignment, agreement or encumbrance has been or will be made or entered into that would conflict with this Assignment of Patents.

This Assignment of Patents shall inure to the benefit of and be binding upon Assignee and Assignor and their respective successors and assigns.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, Assignor has caused its duly authorized representative to execute this Assignment of Patents as of this 31 day of October, 2002.

Covasoft, Inc.

By: 
Michael Vollman, President and Chief
Executive Officer

Barbara Bart Stevenson
[Notarization] *Commission Expires 8-30-05*

Annex A

to Assignment of Patents

U.S. Patents and Applications Therefor

<u>Application No.</u>	<u>Title</u>	<u>Filing Date</u>	<u>Patent No.</u>	<u>Date of Issuance</u>
09/681419	System and Method for Business Systems Transactions and Infrastructure Management	March 30, 2001		pending
10/063232	System and Method for Correlating and Diagnosing System Component Performance Data	April 2, 2002		pending